

**FILED**

**JUL 06 2017**

Clerk, U.S. District Court  
District Of Montana  
Missoula

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CODY WILLIAM MARBLE,

Plaintiff,

vs.

JARED POOLE and HEATHER  
SMITH,

Defendants.

CV 13-00186-M-DWM-JCL

ORDER

This Court's decision denying Defendant Smith's motion for summary judgment having been reversed and remanded by the Ninth Circuit Court of Appeals (Doc. 54) and the mandate having been issued (Doc. 55),

IT IS ORDERED that Defendant Smith's Motion for Summary Judgment (Doc. 23) is GRANTED and this action is DISMISSED WITH PREJUDICE.

The Clerk of Court is directed to close the case and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 6<sup>th</sup> day of July, 2017.

  
DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT